

**MINUTES  
CITY OF ST. CHARLES, IL  
PLAN COMMISSION  
TUESDAY, APRIL 16, 2019**

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Members Present: Chairman Wallace  
Vice Chairman Kessler  
James Holderfield  
Jeffrey Funke  
Tom Pretz  
Jennifer Becker  
Peter Vargulich  
Laura Macklin-Purdy  
Suzanne Melton

Members Absent: None

Also Present: Ellen Johnson, Planner  
Monica Hawk, Development Engineer  
Court Reporter

**1. Call to order**

Chairman Wallace called the meeting to order at 7:01 p.m.

**2. Roll Call**

Vice Chairman Kessler called the roll. A quorum was present.

**3. Presentation of minutes of the April 2, 2019 meeting of the Plan Commission.**

**Motion was made by Mr. Kessler, seconded by Ms. Macklin-Purdy and unanimously passed by voice vote to approve the minutes of the April 2, 2019 Plan Commission meeting.**

**4. East Side Retail Center—Legacy Business Center PUD (J. Trisis Holding, LLC)**

Application for Special Use (PUD Amendment)

Application for PUD Preliminary Plan

a. Public Hearing

The attached transcript prepared by Planet Depos Court Reporting is by reference hereby made a part of these minutes.

**Motion was made by Mr. Kessler and seconded by Mr. Funke to close the public hearing.**

**Roll call vote:**

**Ayes: Kessler, Holderfield, Funke, Pretz, Becker, Vargulich, Purdy, Melton, Wallace**

**Nays:**

**Absent:**

**Motion carried 9-0**

**Minutes – St. Charles Plan Commission**  
**Tuesday, April 16, 2019**  
**Page 2**

b. Discussion & Recommendation

The attached transcript prepared by Planet Depos Court Reporting is by reference hereby made a part of these minutes.

**Motion was made by Mr. Kessler and seconded by Mr. Pretz to approve the East Side Retail Center-Legacy Business Center PUD (J. Trisis Holding, LLC) Application for Special Use (PUD Amendment) and Application for PUD Preliminary Plan conditional upon resolution of all staff comments prior to City Council action and that questions discussed during the hearing regarding traffic on Legacy Blvd. and Equity Dr. be submitted to the Police Dept. for review and resolution prior to City Council action.**

**Roll call vote:**

**Ayes: Kessler, Holderfield, Funke, Pretz, Becker, Vargulich, Purdy, Melton, Wallace**

**Nays:**

**Absent:**

**Motion carried 9-0**

**5. Additional Business from Plan Commission Members or Staff-None.**

**6. Weekly Development Report**

**7. Meeting Announcements**

a. Plan Commission

Tuesday, May 7, 2019 at 7:00pm Council Chambers

Tuesday, May 21, 2019 at 7:00pm Council Chambers

Tuesday, June 4, 2019 at 7:00pm Council Chambers

b. Planning & Development Committee

Monday, May 13, 2019 at 7:00pm Council Chambers

Monday, June 10, 2019 at 7:00pm Council Chambers

a. Open House for Comprehensive Plan Update: Downtown – North of Main St.

Wednesday, April 24, 2019 from 6:00-8:00pm Council Chambers

**8. Public Comment- None.**

**9. Adjournment at 7:48 p.m.**



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# Transcript of East Side Retail Center - Legacy Business Center PUD

**Date:** April 16, 2019  
**Case:** St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

-----x  
In Re: :  
Application for Special Use :  
(PUD Amendment), Application :  
for PUD Preliminary Plan; :  
East Side Retail Center -- :  
Legacy Business Center PUD. :  
-----x

REPORT OF PROCEEDINGS  
St. Charles, Illinois 60174  
Tuesday, April 16, 2019  
7:01 p.m.

Job No.: 218462  
Pages: 1 - 44  
Reported by: Paula M. Quetsch, CSR, RPR

1 Report of proceedings held at the location of:

2

3 ST. CHARLES CITY HALL

4 2 East Main Street

5 St. Charles, Illinois 60174

6 (630) 377-4400

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10 Before Paula M. Quetsch, a Certified Shorthand

11 Reporter, Registered Professional Reporter, and a

12 Notary Public in and for the State of Illinois.

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Transcript of East Side Retail Center - Legacy Business Center PUD  
Conducted on April 16, 2019

1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JENNIFER BECKER, Member

5 JEFFREY FUNKE, Member

6 JIM HOLDERFIELD, Member

7 LAURA MACKLIN-PURDY, Member

8 SUZANNE MELTON, Member

9 TOM PRETZ, Member

10 PETER VARGULICH, Member

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12 ALSO PRESENT:

13 ELLEN JOHNSON, Planner

14 MONICA HAWK, Development Engineer

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Transcript of East Side Retail Center - Legacy Business Center PUD  
Conducted on April 16, 2019

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P R O C E E D I N G S

CHAIRMAN WALLACE: This meeting of the  
St. Charles Plan Commission will come to order.

Tim.

VICE CHAIRMAN KESSLER: Becker.

MEMBER BECKER: Here.

VICE CHAIRMAN KESSLER: Funke.

MEMBER FUNKE: Here.

VICE CHAIRMAN KESSLER: Pretz.

MEMBER PRETZ: Here.

VICE CHAIRMAN KESSLER: Holderfield.

MEMBER HOLDERFIELD: Here.

VICE CHAIRMAN KESSLER: Vargulich.

MEMBER VARGULICH: Here.

VICE CHAIRMAN KESSLER: Purdy.

MEMBER MACKLIN-PURDY: Here.

VICE CHAIRMAN KESSLER: Melton.

MEMBER MELTON: Here.

VICE CHAIRMAN KESSLER: Wallace.

CHAIRMAN WALLACE: Here.

VICE CHAIRMAN KESSLER: Kessler, here.

CHAIRMAN WALLACE: All right.

Presentation of minutes of the April 2, 2019,  
meeting of the Plan Commission. Is there a motion

1 to approve.

2 VICE CHAIRMAN KESSLER: So moved.

3 MEMBER MACKLIN-PURDY: Second.

4 CHAIRMAN WALLACE: All in favor.

5 (Ayes heard.)

6 CHAIRMAN WALLACE: Opposed.

7 (No response.)

8 CHAIRMAN WALLACE: The motion passes  
9 unanimately.

10 We have Item 4 on our agenda is East Side  
11 Retail Center - Legacy Business Center PUD  
12 (J. Trisis Holding, LLC) Application for Special  
13 Use (PUD Amendment), Application for PUD Preliminary  
14 Plan.

15 First, we will conduct our public hearing.  
16 For those of you who haven't been here before,  
17 welcome. The St. Charles Plan Commission is tasked  
18 by the City Council to conduct public hearings for  
19 certain applications that are made to the City  
20 such as this one. And what we do, we will collect  
21 evidence from the applicant and any other evidence  
22 from any other member of the public or Plan  
23 Commission. And once we determine that we have  
24 enough evidence to be able to make a recommendation



1 to the City Council, then the public hearing will  
2 be closed, and we will take action on the item.

3 The way that we will move through this  
4 process is first of all, I will ask for the  
5 applicant to make a presentation. Members of the  
6 Plan Commission will then ask questions of the  
7 applicant, and then anyone else who wishes to  
8 offer any testimony or ask any questions will be  
9 given the opportunity to do that. And at the end  
10 the applicant may offer any rebuttal testimony or  
11 evidence.

12 Any questions about procedure?

13 (No response.)

14 CHAIRMAN WALLACE: All right. Anyone who  
15 wishes to give any evidence, including asking any  
16 questions, you'll need to be sworn in. If you'll  
17 raise your right-hand.

18 (Three witnesses were duly sworn.)

19 CHAIRMAN WALLACE: Thank you.

20 When you speak, I would ask that you speak  
21 at the lectern, and only one person may speak at a  
22 time because the proceedings are being taken down  
23 by a court reporter, and I would ask that you wait  
24 to be recognized by me before speaking. When you

1 come up, if you can state your name, spell your last  
2 name for the record and state your address.

3 And before we begin, staff, is there  
4 anything for the applicant?

5 MS. JOHNSON: No.

6 CHAIRMAN WALLACE: All right. Is the  
7 applicant ready?

8 MR. VENARD: I am.

9 CHAIRMAN WALLACE: Go ahead.

10 MR. VENARD: Good evening, Dan Venard with  
11 Converge development, 1424 East Main Street,  
12 St. Charles.

13 I've got a small PowerPoint for the  
14 audience as well as the Plan Commission members  
15 tonight on the application that's before you for  
16 our special use application.

17 So what's before you tonight is there is a  
18 previously approved 40-acre industrial park known  
19 as the Legacy Business Center at Legacy and  
20 Kirk Roads on the east side of town, and what  
21 we're looking to do is develop Lots 1, 19, 20, and  
22 21. And within the special use application that  
23 was not in the previous application is a proposed  
24 gas station on Lot 1 at the southernmost boundary

1 of Legacy and Kirk, and then as we'll progress to  
2 the north we have a mixed use -- multibuilding  
3 development of restaurant and retail going to the  
4 north.

5 You can tell within this business park our  
6 neighbors surround us. We've got from just to our  
7 west at the -- just for everybody's bearings, just  
8 to our west is the Goldfish Swim School; we've got  
9 Turbojet, Timberbuilt along the northern part of  
10 Kirk Road, Doran Scales. There's approximately  
11 probably three vacant lots left for industrial  
12 development left back in the park.

13 Then as you traverse down Legacy, you go  
14 into the East Side Sports Complex. To the south  
15 we've got AJR Filtration, and then the Regole farm  
16 to the east, and across from the gas station  
17 zoningwise we've got some RS-4 residential.

18 So the need for Kirk Road, the reason we're  
19 back before you tonight is that consistent within  
20 St. Charles comprehensive plan they identified  
21 within the southeast subarea group there's some  
22 need for some additional development along  
23 Kirk Road.

24 This application before you tonight, the

1 intention when this thing was approved back in  
2 2006 was always to have these four lots as retail,  
3 and the one change that we're requesting for your  
4 consideration this evening is that single lot,  
5 Lot 1 as a gas station/convenience store.

6 So right now on Kirk Road there's 25,000 cars  
7 that travel a day. There is no gas station or  
8 convenience store on Kirk Road in St. Charles. We  
9 have got them in Aurora, Batavia, Geneva, and if  
10 you go up to South Elgin, but there's nothing along  
11 St. Charles, and the one other vacant piece you  
12 can think of at the southeast corner of 64 and  
13 Kirk is that piece that's been sitting there for  
14 some time with the old barn that's still up, and  
15 unfortunately, due to IDOT regulations for setbacks  
16 as well as KDOT regulations for setbacks, there's  
17 really a struggle to get anything off of Kirk into  
18 there, and it's really become a challenge for  
19 that. I know there's been a number of different  
20 gas station developers that have looked at that  
21 over the years. So we've looked at this opportunity  
22 along Kirk to add this convenience store for a  
23 number of different reasons.

24 One, we've got the employers and employees

1 within the Legacy Business Center. It includes  
2 AJR's 180,000-square-foot facility contiguous to  
3 the south of us. They're running two shifts a day  
4 for five to six days a week approximately 300 to  
5 400 employees on-site there, so to offer those  
6 conveniences not only for the gas station but also  
7 for the restaurants and other retail services.

8 Goldfish St. Charles, which gives little kids  
9 swim lessons has eclipsed over 2,000 memberships  
10 there. If you've been by there after school or in  
11 the early mornings on the weekends, there's cars  
12 lining the road into AJR as well as the overflow  
13 lot for the Goldfish. And then, as I noted, we've  
14 got the employees and employers of the current  
15 business park.

16 In addition to that we've got the 102-acre  
17 East Side Sports Complex. Obviously, within town  
18 we've seen there's eight lit fields, soccer  
19 fields, a couple tennis courts. And St. Charles  
20 Park District has really done a nice job in the  
21 last few years in that they've turfed all the  
22 infields. So there's been a big push, which is  
23 atypical for a lot of park district ball fields,  
24 but they've pushed for tournament play. And

1 they've done a great job of hosting baseball/  
2 softball tournaments, soccer and lacrosse, as  
3 well, but that place is locked in from May through  
4 October with tournaments hosting anywhere --  
5 according to the park district website, anywhere  
6 from 20 to 30 teams on the weekend.

7           So, once again, we have a great opportunity  
8 to serve the needs of those going in there versus  
9 them going south into Geneva or possibly further  
10 north. And it was estimated -- and I got this  
11 data off of the Swim City application, but in  
12 2017 they had 235,000 visit the East Side Sports  
13 Complex. And then there's the aforementioned Swim  
14 City facility that conceptually they -- I'm not  
15 sure if they've been back before you, but I know  
16 they met with the mayor and some trustees on that,  
17 as well. So you've got that facility that would  
18 be right at the end of Legacy, as well, once that  
19 pushes forward.

20           So within our development you see we're  
21 bisected by Legacy. So as you come in, we've got  
22 a right-in-only going into the gas station site.  
23 We've got a 5,880-square-foot convenience store  
24 facility underneath the canopy for the pumps, and

1 then you have your full access leading out onto  
2 Equity to either go into the sports complex or the  
3 Swim City or to get your full lit interchange  
4 coming out.

5 Then as you'll see to the north we have got a  
6 handful of buildings from -- what we anticipate being  
7 Phase 1 is Buildings K, L, and M. We anticipate  
8 M being a restaurant-type to serve light fare and  
9 a bar menu with the quick turnaround for the ball  
10 games, having some retail opportunities, a fitness  
11 opportunity or some office with K, L, and M.

12 And then there's a need opportunity if you  
13 look at the kind of horseshoe that we've got  
14 designed with the courtyard in the middle, within  
15 this area for Buildings D through J we anticipate  
16 having your smaller either coffee shops,  
17 convenience shops, and having some open fare of  
18 seating in here with your T lights going through  
19 there and really being able to utilize this  
20 setting for all seven buildings.

21 Now, there's the opportunity within these  
22 with the dividing walls that if somebody wants  
23 2,000 feet within here that that is an opportunity,  
24 but we at least want to paint a picture for this

1 opportunity to have a more passive place to  
2 recreate and enjoy your meal without being right  
3 on Kirk Road.

4           Then as you push further to the north  
5 you've got more traditional fast food operations  
6 with B having -- pardon me -- with C having a  
7 drive-through, and then we've got the standalone  
8 Building A if it were to be a custard shop or a  
9 Dunkin' Donuts-type facility on that. And that is  
10 served off of two full accesses to the east off  
11 Equity and then a right-out-only onto Kirk Road.

12           So we have met with KDOT regarding this  
13 facility and regarding this layout, and if you go  
14 out there right now there's a full access that's  
15 out there, but with the requirements that are set  
16 forth within here and the setbacks that it would  
17 kind of push our land plan is best served to keep  
18 this as a right-out-only lane.

19           Kind of zooming in a little bit you'll see  
20 with our landscaping just some buffering that's  
21 going along with that. We've got just a little  
22 closer look within that.

23           To the north, one thing we should note,  
24 one of the variances we have requested is our



1 setback just on Equity. We wanted to keep -- and  
2 staff was adamant, as well, about keeping our  
3 setback consistent on Kirk Road all the way down.  
4 So in order to get our parking depth as well as  
5 our traffic flow within here we had requested a  
6 variance for -- along Equity Drive for the  
7 setback there.

8 Utility plan if needed.

9 Some of the elevations, very consistent  
10 with the architecture that's out there, a lot of  
11 your masonry or your precast concrete is what  
12 we've anticipated up here. We do not want to have  
13 your -- we wanted to go a little higher scale with  
14 the finishes and also keep it consistent with what  
15 is behind us with Doran Scales, Turbojet, and the  
16 Goldfish facility, as well.

17 As for the gas station, as I noted before,  
18 your same tilt-up concrete or you've got your  
19 preslab -- your preset concrete or stone water  
20 table, and then you've got your split brick going  
21 up the side with your canopy overhead. It will be  
22 noted that -- and you'll see it within staff's  
23 notes, we did do a photometric study regarding our  
24 lighting here especially with, if you recall,

1 there's a little bit of residential across the  
2 street in RS-4. Our photometric results here are  
3 consistent with the requirements by the City of  
4 St. Charles.

5 And then with that John from Woolpert  
6 Engineering and I would welcome any questions you  
7 may have or the public. Appreciate your  
8 consideration.

9 MEMBER MACKLIN-PURDY: Can you show me  
10 again -- I see where the drive-through is on  
11 Building A, but it says that there's three  
12 drive-throughs.

13 MR. VENARD: So we have one -- you can't  
14 see it with the landscaping. You'll see it coming  
15 up next to B as well as next to C. So I've got  
16 one here, one at B, and then one at C, or D for  
17 that matter, on the passenger's side. Which that  
18 was consistent with what was approved back in  
19 2006. They were approved for three drive-throughs,  
20 as well.

21 CHAIRMAN WALLACE: And what's the stacking  
22 on those drive-throughs?

23 MR. VENARD: Roughly six to eight. So  
24 that's one of the variances, Chairman Wallace,

1 that we're asking for. Especially with the depth,  
2 that was one of our challenges in laying out this  
3 is with our setbacks and having a depth for  
4 stacking. As staff looks at it, they go from the  
5 surface where we're at approximately six to eight  
6 for stacking.

7 MEMBER FUNKE: So you're saying that C will  
8 not have a drive-through?

9 MR. VENARD: C or D depending on the traffic  
10 flow. There is a drive-through between the two.

11 MEMBER FUNKE: Right now you have the  
12 arrows going west.

13 MR. VENARD: Right.

14 MEMBER FUNKE: So that could change?

15 MR. VENARD: Potentially as we look at  
16 final engineering and uses.

17 MEMBER PRETZ: Do you have -- the elevation  
18 view for the gas station on the south side, do you  
19 have any idea what that is going to look like? I  
20 have -- I just -- my desire would be to make sure  
21 that the elevation on the south side or the back  
22 of the convenience portion, as well as on the  
23 north building where the drive-through is coming  
24 through that there would be something pleasing to

1 take a look at other than a straight wall. The  
2 other portion I understand but --

3 MR. VENARD: Certainly. Well, to the  
4 north -- I agree with you, sir. To the north  
5 there will be some windows, and it's hard to tell  
6 with the scale that I've given you, my apologies,  
7 but there are some there. To the rear of the  
8 building, which is typically where you have your  
9 service entrance, we do have -- we do have  
10 arborvitae going in that rear to help screen that.  
11 We do understand that.

12 We've got a retaining wall between us and  
13 AJR, as well. So there's about a plus or minus  
14 5- to 6-foot drop between there. So having that  
15 landscape screening, because it is going to be the  
16 rear of the building and probably a service door,  
17 but there won't be -- it's true with the back of  
18 the house at a gas station convenience store  
19 operations. So that's why we chose the screening.

20 MEMBER PRETZ: But it does take a while  
21 for the plants to actually perform.

22 MR. VENARD: Arborvitae is a 365 -- you  
23 know, it's an evergreen, so you could put  
24 6-footers in, it grows about 18 inches a year, and

1 you're going to have good first-floor coverage.

2 MEMBER PRETZ: The filtration plan, you  
3 said that there's a retaining wall that drops down  
4 5 feet?

5 MR. VENARD: Correct.

6 MEMBER PRETZ: What is on their side going  
7 towards their building then from that retaining  
8 wall? Is that parking?

9 MR. VENARD: It's parking.

10 MEMBER PRETZ: My concern would be that  
11 the traffic going north on Kirk Road that, again,  
12 the look is pleasing and we're not just taking a  
13 look at a stark, blank utility wall even though it  
14 is the back of the building.

15 MR. VENARD: I appreciate that.

16 MEMBER PRETZ: I'm not suggesting that you  
17 have to put windows in but that there's some  
18 architectural feature so it will give it a  
19 little kick.

20 MR. VENARD: Appreciate it.

21 VICE CHAIRMAN KESSLER: Just a couple things.

22 Is that a right-out in the southeast  
23 corner?

24 MR. VENARD: On the north side right here?

1 Correct. That's an existing right-out that's  
2 currently there right now.

3 VICE CHAIRMAN KESSLER: One thing that I  
4 noticed in just looking at the plan as far as  
5 traffic flow goes, it seems like all of the  
6 entrances and exits are shifted to the north, and  
7 if possible -- and I don't know if it makes any  
8 difference for your purposes that the entrance off  
9 of Equity Drive, the southernmost entrance on  
10 Equity Drive -- yep, that one -- to shift that to  
11 the south for a couple of reasons.

12 First of all, to give more access at that  
13 end of the property, but also to try and align it  
14 better with the drive directly across. It seems  
15 to be kind of catawampus and moving it that little  
16 bit will make a huge difference. You're a little  
17 bit landlocked in that southwest end of that  
18 property.

19 MR. VENARD: I can appreciate that,  
20 Commissioner Kessler. I'll tell you that all  
21 four of these on this north side are all existing.  
22 That's I guess the -- I guess the positive side is  
23 that everything to the east is developable,  
24 including the stuff on Equity Drive. So these are

1 all existing conditions, and actually we'll have  
2 to alter this one slightly so as not to be a full  
3 right-in-right-out, but they are currently out  
4 there.

5 VICE CHAIRMAN KESSLER: And I appreciate  
6 that. Developing it changes the use of it.

7 MR. VENARD: It is something to consider,  
8 though.

9 VICE CHAIRMAN KESSLER: The proper  
10 locations for those is something to consider.

11 CHAIRMAN WALLACE: I'm sorry. I missed on  
12 the right-out onto Kirk Road going northbound, is  
13 it KDOT that won't allow it to be a right-in and  
14 right-out?

15 MR. VENARD: They'd allow it but what it  
16 does is it really messes up our traffic flow for  
17 the west side of the development. So for us -- so  
18 we'd be required to have a 250-foot throat. So  
19 this would just be boulevard up here and up here,  
20 and that -- just throat and then disburse down  
21 here. Because we don't have the depth of some  
22 other developments, it would kick it out here. So  
23 as you're thinking about the flow coming out from  
24 Building A, they're getting their food, they're

1 coming through, then you've got to come back down  
2 and either swing back up to leave or back out on  
3 Equity. We vetted out kind of the balance of the  
4 opportunity of pulling the traffic off, but that  
5 kind of clumsiness as we kept looking at it really  
6 made it challenging.

7 MEMBER MACKLIN-PURDY: I have a question  
8 about the sidewalks because I know the kids are  
9 going to be walking from the sports park. Can you  
10 tell me about the perimeter and if there's  
11 sidewalks planned?

12 MR. VENARD: Actually, we can probably go  
13 to existing conditions because we've got obviously  
14 along -- well, it would be hard to tell, but we've  
15 got them along -- it shows them along Kirk for  
16 sure. Pardon me that I'm jumping back and forth.  
17 There is existing public walk along there. There's  
18 an existing walk along Equity, also. Thank you.

19 CHAIRMAN WALLACE: There's sidewalk along  
20 Legacy, Equity, and Kirk all around the property.

21 MEMBER MACKLIN-PURDY: Okay.

22 MR. VENARD: Thank you.

23 MEMBER VARGULICH: I have a question  
24 regarding the parking, and not so much from the



1 quantity, but if you're going to generate a fair  
2 amount of traffic with a gas station use, how do  
3 you resolve the fact that your neighbor uses up  
4 the driveway currently and parks all over the  
5 driveway? Won't that create traffic problems,  
6 visibility problems, potential accidents? The  
7 neighbor being the Goldfish operation.

8 MR. VENARD: I guess what our struggle is  
9 we can -- we've designed this according to --  
10 especially the parking according to the ordinance  
11 and staff's -- the rules within that on how  
12 they're double stacked along Equity. I do know  
13 that Goldfish is -- that they own the lot to the  
14 east of them, and they've contemplated doing some  
15 development there to kind of relieve that stress,  
16 but I can't speak to -- that right now it's hearsay.  
17 That would be something that we would need to work  
18 with the police department on with signage because  
19 I'm pretty sure it's probably an issue for the  
20 neighbors to the south of AJR and Pillow Health,  
21 as well.

22 MEMBER VARGULICH: Is there any resolution  
23 of that or any input you can provide from staff's  
24 standpoint?

1 MS. JOHNSON: I'm not sure what the width  
2 of Equity is and if the fire code permits parking  
3 on both sides of the street, but it sounds like  
4 that is what's occurring is parking on both sides.

5 I think that the owner of Goldfish is in  
6 attendance. I don't know if he would like to  
7 speak to parking and plans for the future because  
8 I know that a parking lot was contemplated on the  
9 lot to the east for Goldfish's use.

10 MR. VENARD: So stay tuned.

11 CHAIRMAN WALLACE: Other questions?

12 MEMBER FUNKE: Just from a traffic  
13 standpoint, is there any way to -- I think it's  
14 from -- from the leasing standpoint I think it's  
15 going to be tough for you to get tenants in here  
16 to fill this development up if you're having a  
17 hard time getting people in there. Is there any  
18 way you can get a right-in off of Kirk Road?

19 MR. VENARD: There is. But, once again,  
20 we've got the internal traffic flow -- right now  
21 there's a full access that is there, at least the  
22 opening for that, but without it -- without it  
23 kicking all of the traffic flow to the eastern  
24 part of the development and then disbursing around,

1 so if I'm really B, C, D and these folks here, my  
2 clientele is going to come down, go through all  
3 this traffic, come back through, and then find  
4 parking, and then go back and exit, it just became  
5 really a clumsy exercise. That was our initial  
6 design that we sat with KDOT on to have that full  
7 right-in/right-out and try to alleviate Legacy,  
8 but they were unwavering in our pitch to stick  
9 with our design and adhere to their ordinance,  
10 their criteria.

11 MEMBER FUNKE: So off of Legacy, also?

12 MR. VENARD: We've got full access -- it's  
13 full-lit access here.

14 MEMBER FUNKE: Getting into the retail  
15 development, though, you have to go all the way  
16 around Equity Drive. I just think that's a long  
17 drive. People want to get into a retail  
18 development as fast as they can.

19 MR. VENARD: And definitely I agree with  
20 you, actually, and I think what staff's concern  
21 would be as well as engineering is when the  
22 surfaces are done, either at Goldfish or the swim  
23 school -- pardon me -- Swim City or if there's  
24 stacking here, adhering with any type of stacking

1 issues, if we were to cut into this boulevard to  
2 give full access. Something we would definitely  
3 entertain, though.

4 MEMBER FUNKE: I mean, I like the  
5 development. I think it's a great site plan; it's  
6 a great building plan. I like the diversity. You  
7 have different sized units, and obviously  
8 drive-throughs are a commodity.

9 CHAIRMAN WALLACE: Other questions?

10 (No response.)

11 MR. VENARD: Thank you. John and I are  
12 here for any additional questions.

13 CHAIRMAN WALLACE: Anything from any  
14 members of the public?

15 Questions? Come on up.

16 MR. MUEHLFELT: My name is Frank Muehlfelt.  
17 I live at 1960 Division Street, which is only one  
18 house off of Kirk Road.

19 A couple of questions that I had. May I  
20 ask direct questions to the applicant, as well?

21 How much underground fuel storage do you  
22 expect at that site?

23 MR. VENARD: Do we want to get all the  
24 questions and answer them or go back --

1 CHAIRMAN WALLACE: If you want to come up,  
2 we can just do question and answer.

3 MR. VENARD: Pretty consistent with the Shell  
4 stations, BPs is we'd have probably three tanks  
5 with your 87, 89, 91, potentially diesel with some  
6 of the truck traffic that is going on within  
7 there. The gallons of the USTs will be determined  
8 at final engineering when it's submitted.

9 MR. MUEHLFELT: How much fuel is expected  
10 to be pumped on a daily basis?

11 MR. VENARD: We don't have those  
12 calculations.

13 MR. MUEHLFELT: You have gas stations, but  
14 you don't know how much fuel you're going to pump?

15 MR. VENARD: Not right now, no, sir, as a  
16 developer.

17 MR. MUEHLFELT: I'm not going to say I'm  
18 an expert here, but I speak with some expertise that  
19 for the last decade I helped run the underground  
20 storage at DuPage County Airport, and that is  
21 five 20,000-gallon tanks in a much less volatile  
22 situation because most of that is jet fuel. Most  
23 of this is going to be unleaded.

24 I would anticipate that -- you said

1 four tanks?

2 MR. VENARD: Potentially three to four.

3 MR. MUEHLFELT: Three to four and those  
4 are going to probably be at least 10,000-gallon  
5 tanks. They're going to have to be. And my guess  
6 is they're going to have to be refilled at least  
7 once per day. That means one 8,000-gallon tanker  
8 truck load coming into that location daily, at  
9 least one in close proximity to that swim school  
10 which serves children and the park district which  
11 serves children and young adults.

12 One more question. Usually, when you have  
13 a development like this -- and by the way, I think  
14 the rest of the development is fine. I'm not an  
15 expert. I certainly have no issues with it. The  
16 gas station is two issues. Most of what lies to  
17 the -- that would be the east of that station is  
18 not only the swim school but also the park. A  
19 fuel spill from that station goes directly east.

20 I could be wrong about that but I don't  
21 know. I walk that two or three times per week. I  
22 think the ground slopes to the east there. And I  
23 can tell you that having handled aviation fuel for  
24 20 years, fuel spills when transferred from tanker

1 truck into underground tanks occasionally spill a  
2 lot more often than you might suspect. At  
3 airports we're well equipped to handle that, gas  
4 stations are not. And the full effect of that  
5 will go to the east, I believe.

6 As to just a few houses across the street  
7 on the southwest side, correct me if I'm wrong,  
8 that is the entire first border of St. Charles  
9 across Kirk Road, is it not? South Tyler and  
10 north of Division Street, that's the first border.  
11 If you were able to expand this map that was up  
12 there earlier, there are a lot of homes in there.  
13 The first 200 yards are going to be affected by  
14 the light pollution. They already are.

15 The Pillow Health plant there, I can tell  
16 you everybody's yards are lit up all night long,  
17 but it's rather benign because there's no truck  
18 traffic in there. If it is, it's very quiet, and  
19 those are industrial facilities, but they're not  
20 noisy industrial facilities in there. That light  
21 industrial I think most neighbors have been pretty  
22 good neighbors. I don't know how many complaints  
23 there have been over the years, but I certainly  
24 don't have one.

1           But I certainly anticipate that most  
2 people who live on that first floor, especially  
3 the ones in the first few hundred yards west of  
4 that station are not going to appreciate that gas  
5 station going in there.

6           Perfect position for that gas station --  
7 you were talking about not having gas on the east  
8 side of town, which is true, but there's a perfect  
9 place just south of the Jewel property that's been  
10 a vacant lot for a long time and already has  
11 plenty of its own light pollution, nobody really  
12 notices it right across from St. John's.

13           I don't know if anyone has questions for  
14 me. That's just basically an opinion and my  
15 questions. If you don't know how many gallons of  
16 gas you're going to put underground there, my  
17 guess is there's no plan -- I would sure want to  
18 know what the emergency plan was for spillage.

19           VICE CHAIRMAN KESSLER: While we're  
20 talking about this, Ellen, it seems to me that the  
21 fire department has codes that they'd have to  
22 review before this gas station goes in that also  
23 encompasses how they would respond to any sort of  
24 emergency at that location. They have to have



1 safeguards in place, know how much is going in.

2 It would be reviewed by the fire department.

3 MR. MUEHLFELT: It would be reviewed but a  
4 rupture on an 8,000 tanker truck is a problem that  
5 nobody can respond to quickly enough. Airports  
6 are designed to handle massive amounts of spillage  
7 like that because there's no people living close  
8 by. This location isn't. Let's face it,  
9 8,000 gallons, even a few hundred gallons of fuel  
10 on the ground is a pretty dangerous situation.

11 VICE CHAIRMAN KESSLER: Indeed you're  
12 right. Thank you.

13 CHAIRMAN WALLACE: All right. Thank you.

14 Any other comments or questions from  
15 members of the audience?

16 (No response.)

17 MEMBER VARGULICH: I just have a couple  
18 questions if we're all done with the other stuff.

19 CHAIRMAN WALLACE: Go ahead.

20 MEMBER VARGULICH: It would be for -- I guess  
21 there was never comments related to landscaping,  
22 and some of this related to your desire to not  
23 proceed with providing landscape around the building  
24 at this point in your documents, and you've

1 created a table per building that showed what the  
2 ordinance would require, and there was a number of  
3 trees, and shrubs, and things.

4 Given those quantities, I don't see how  
5 you could achieve half of that in the spaces that  
6 you're showing currently.

7 MS. JOHNSON: I can step in. So the  
8 landscape chapter as you'll recall was recently  
9 amended, so their plan does not reflect -- that  
10 table you're referring to does not reflect the  
11 changes to the landscape code. So those planting  
12 numbers will need to be recalculated. But the  
13 planting requirement in the code was reduced with  
14 that code change.

15 MEMBER VARGULICH: But that's still going  
16 to be a lot more than you have space for now.

17 MR. VENARD: We have received Ms. Johnson's  
18 comments and actually think we can -- we don't  
19 have any objections with the landscaping comments  
20 that she has in there to adhere to what staff is  
21 asking for as well as what's required by the City.

22 MEMBER VARGULICH: And there was an earlier  
23 PUD that showed a perimeter along Kirk Road, some  
24 landscaped areas, and you've chosen to have just a

1 linear row of shrubs planted along the back of the  
2 curb. Can I ask why the deviation from what was  
3 originally proposed and approved?

4 MR. VENARD: I think part of that is  
5 actually by staff comment we've got some stuff  
6 along Kirk we had to pull back because we can't  
7 plant parkway trees or landscaping within the City  
8 electric department easement. Is that correct?

9 MEMBER VARGULICH: That's not right.

10 MS. JOHNSON: Within the public utility  
11 easement you cannot plant trees but other  
12 plantings are allowed.

13 MEMBER VARGULICH: That's correct.

14 MR. VENARD: We have no objection to looking  
15 into that area. There's actually some existing --  
16 probably 6- to 8-inch diameter parkway trees along  
17 there right now currently, as well.

18 MEMBER VARGULICH: But those are going to  
19 curb cut right-of-way. I'm talking about between  
20 the back of Kirk and the sidewalk before the  
21 property line.

22 MR. VENARD: We're absolutely open to looking  
23 into landscape beds or flower beds in that area.

24 CHAIRMAN WALLACE: I'm wondering if staff --

1 I'm going to go back to my earlier comment regarding  
2 stacking of drive-throughs, and I'm wondering if  
3 staff can opine regarding those requested deviations.

4 MS. JOHNSON: Sure. So I've noted in the  
5 staff report that any future -- the users of these  
6 buildings haven't been identified. So the stacking  
7 requirement for a restaurant is 15 stacking spaces,  
8 and obviously there's not room to accommodate that.  
9 So if a restaurant wants to locate in one of those  
10 spaces, they will need to request a stacking  
11 reduction, and that reduction would need to come  
12 before the Plan Commission and be approved by  
13 Council, and that reduction would include like  
14 you've seen before data from comparable facilities  
15 that the stacking is adequate. If they're  
16 proposing to locate a coffee shop in one of those  
17 units, the stacking requirement for that is only  
18 five spaces, so there is adequate stacking for that.

19 CHAIRMAN WALLACE: Okay. But if we had  
20 three fast food restaurants in A, B, and C,  
21 obviously, my concern is you get in between games  
22 for the baseball tournament, and then all of a  
23 sudden everyone rushes out there, and you've got a  
24 glut of cars trying to go to these three restaurants.

1           But if that's not something that's under  
2           consideration now, I would just reserve that for  
3           when it is under consideration for the ultimate user.

4           Any other questions or comments?

5           VICE CHAIRMAN KESSLER: I just had a comment.  
6           There are quite a few staff comments that need to  
7           be resolved before this keeps moving forward.  
8           Some are all the things we've discussed here, and  
9           then also, as Ellen pointed out, there are a  
10          number of plans that aren't updated, as well as  
11          the site plan.

12          So I'm just going to ask kind of a broad  
13          question. You're aware of all of these, obviously,  
14          and you intend to prepare a response to each one  
15          of these; is that correct?

16          MR. VENARD: Correct. We reviewed -- we  
17          received the letter yesterday, and actually John  
18          and I reviewed it together yesterday as well as  
19          again this morning, and there's really no  
20          red herring that is going to trip us up.

21          VICE CHAIRMAN KESSLER: Okay. Because  
22          some of them refer to the gas station, the number  
23          of pumps which would alter the size of the tanks,  
24          et cetera, so I think you want to make sure you

1 address all of those.

2 MR. VENARD: Agree.

3 CHAIRMAN WALLACE: Any other questions,  
4 comments, anything from the public?

5 Sir, were you sworn in?

6 MR. TYLER: No.

7 (Witness sworn.)

8 MR. TYLER: My name is Alex Tyler, the  
9 owner of Goldfish right next door.

10 CHAIRMAN WALLACE: How do you spell your  
11 last name.

12 MR. TYLER: T-y-l-e-r.

13 First off, I think this is an awesome  
14 concept. This is exactly what the east side  
15 needs. It really rounds out that neck of the  
16 woods over here. We've got the park district, and  
17 Goldfish is a service industry, and this is going  
18 to be a great addition to that.

19 My next concern is going to be the traffic  
20 that's going in and out of Equity and Legacy.  
21 Currently with AJR operating at pretty much full  
22 capacity right now, they're flying in, 18-wheelers,  
23 and that 300, 400 staff that goes in and out, they  
24 have two shifts I believe, and it's already pretty

1 dangerous the way it is right now. So I was  
2 wondering what we are going to be developing with  
3 this development on the public roads.

4 Before I stop, I am in the development of  
5 the -- the parking lot that is adjacent to my  
6 property is pending approval. It was submitted in  
7 mid-March.

8 CHAIRMAN WALLACE: Adjacent to the east?

9 MR. TYLER: To the east, yes.

10 CHAIRMAN WALLACE: Towards the baseball  
11 fields.

12 VICE CHAIRMAN KESSLER: Great. Good  
13 for you.

14 CHAIRMAN WALLACE: All right.

15 MR. VENARD: As noted earlier, we've got  
16 full access, and we're really pulling everything  
17 in and out of Equity, pulling off of Legacy as  
18 quickly as possible. The traffic is directed to  
19 go back east onto Legacy will have to come up to  
20 Equity with the existing curb cuts that are there.  
21 Also, the right-in-only is onto Legacy into the  
22 gas station is mandated with Kirk Road, as well --  
23 pardon me -- with KDOT's requirements that  
24 supersede -- go back to 2006 when this development

1 was initially approved.

2 MEMBER BECKER: I have a question. Is  
3 Equity at Legacy stop-controlled four-way or is it  
4 free flow?

5 MR. VENARD: I believe it's a four-way stop.

6 CHAIRMAN WALLACE: All right. Other  
7 questions?

8 MR. TYLER: Just one clarification that  
9 it's a three-way. Legacy coming in is not a stop  
10 sign.

11 CHAIRMAN WALLACE: Okay. So you have to  
12 stop if you're going west, north, or south but not  
13 east. Okay. Got it.

14 All right. Any other questions or comments?

15 VICE CHAIRMAN KESSLER: Yes, I do because  
16 that brings up a very interesting --

17 CHAIRMAN WALLACE: Go ahead.

18 VICE CHAIRMAN KESSLER: Placing a service  
19 industry in an industrial area is what we're  
20 struggling with here. This obviously isn't going  
21 to require any sort of traffic study, but those  
22 are city streets and somebody mentioned very early  
23 on about the parking issue, which you're going to  
24 help mitigate by increasing the size, but there's



1 still going to be that same kind of traffic there.

2 Is there anything we can do to make that a  
3 part of this development that that needs to be  
4 reviewed? Right away that three-way stop is a  
5 huge red flag for me. They don't have to stop,  
6 just -- I mean, making it a four-way stop might  
7 even be the answer. I don't know what that's  
8 going to do to that right-hand turn.

9 MS. JOHNSON: We can -- the plans were  
10 reviewed -- were sent to the police department for  
11 review. We did not receive comment, but we can  
12 request them to comment on the parking and traffic  
13 through that area.

14 VICE CHAIRMAN KESSLER: That would be one  
15 of staff comments that we want to resolve.

16 CHAIRMAN WALLACE: Make it conditional on  
17 that, yes.

18 VICE CHAIRMAN KESSLER: Very good.  
19 Thank you.

20 CHAIRMAN WALLACE: All right. If there  
21 aren't any other questions or comments, and if  
22 Plan Commission feels they have enough evidence to  
23 make a recommendation, then at this time a motion  
24 would be in order to close the public hearing.

1 VICE CHAIRMAN KESSLER: I move to close  
2 the public hearing.

3 MEMBER FUNKE: I second.

4 CHAIRMAN WALLACE: It's been moved and  
5 seconded. Any discussion on that motion?

6 (No response.)

7 CHAIRMAN WALLACE: Tim, roll call.

8 VICE CHAIRMAN KESSLER: Becker.

9 MEMBER BECKER: Yes.

10 VICE CHAIRMAN KESSLER: Funke.

11 MEMBER FUNKE: Yes.

12 VICE CHAIRMAN KESSLER: Pretz.

13 MEMBER PRETZ: Yes.

14 VICE CHAIRMAN KESSLER: Holderfield.

15 MEMBER HOLDERFIELD: Yes.

16 VICE CHAIRMAN KESSLER: Vargulich.

17 MEMBER VARGULICH: Yes.

18 VICE CHAIRMAN KESSLER: Purdy.

19 MEMBER MACKLIN-PURDY: Yes.

20 VICE CHAIRMAN KESSLER: Melton.

21 MEMBER MELTON: Yes.

22 VICE CHAIRMAN KESSLER: Wallace.

23 CHAIRMAN WALLACE: Yes.

24 VICE CHAIRMAN KESSLER: Kessler, yes.

1           CHAIRMAN WALLACE: All right. Public  
2 hearing is closed, and next on the agenda is for  
3 recommendation. Is there any discussion or is  
4 there a motion?

5           VICE CHAIRMAN KESSLER: I'd like to make a  
6 motion. I'd like to make a motion to recommend  
7 approval of the East Side Retail Center - Legacy  
8 Business Center PUD (J. Trisis Holding, LLC)  
9 Application for Special Use (PUD Amendment) and  
10 Application for PUD Preliminary Plan conditional  
11 on resolution of all staff comments prior to City  
12 Council action and that our specific questions  
13 regarding traffic on Legacy and Equity Drive be  
14 submitted to the police department for review and  
15 answered prior to City Council action.

16           MEMBER PRETZ: I'll second.

17           CHAIRMAN WALLACE: All right. It's been  
18 moved and seconded. Discussion on the motion?

19           (No response.)

20           CHAIRMAN WALLACE: Hearing none, Tim.

21           VICE CHAIRMAN KESSLER: Becker.

22           MEMBER BECKER: Yes.

23           VICE CHAIRMAN KESSLER: Funke.

24           MEMBER FUNKE: Yes.

1 VICE CHAIRMAN KESSLER: Pretz.

2 MEMBER PRETZ: Yes.

3 VICE CHAIRMAN KESSLER: Holderfield.

4 MEMBER HOLDERFIELD: Yes.

5 VICE CHAIRMAN KESSLER: Vargulich.

6 MEMBER VARGULICH: Yes.

7 VICE CHAIRMAN KESSLER: Purdy.

8 MEMBER MACKLIN-PURDY: Yes.

9 VICE CHAIRMAN KESSLER: Melton.

10 MEMBER MELTON: Yes.

11 VICE CHAIRMAN KESSLER: Wallace.

12 CHAIRMAN WALLACE: Yes.

13 VICE CHAIRMAN KESSLER: Kessler, yes.

14 CHAIRMAN WALLACE: That concludes Item 4

15 on the agenda. Thank you, gentlemen.

16 Item 5, any additional business for Plan

17 Commission members or staff?

18 (No response.)

19 MEMBER MACKLIN-PURDY: Are we -- next

20 Wednesday they want us all to be here for the

21 public --

22 MS. JOHNSON: I was going to mention that.

23 So the open house for the comprehensive plan update

24 is next Wednesday from 6:00 to 8:00 p.m. It's an

1 open house. If the members would like to attend,  
2 you're definitely welcome to and encouraged to  
3 attend to observe, but we recommend not necessarily  
4 participating in the activities because the intent  
5 is to get public comment, and you will be reviewing  
6 that comment during -- while you're coming up with  
7 the plan recommendations. But you're definitely  
8 welcome to attend; it's from 6:00 to 8:00 here in  
9 Council chambers next Wednesday.

10 MEMBER MACKLIN-PURDY: Isn't a lot of that  
11 directed to us, though? So shouldn't we kind of  
12 be here?

13 MS. JOHNSON: Yes. Well, we will prepare  
14 a summary of the comments and will present that to  
15 you all when you're discussing the comp plan  
16 update, but if you'd like to witness the process  
17 and talk to the public and get their thoughts  
18 firsthand, you're welcome to.

19 CHAIRMAN WALLACE: That's under Item 7,  
20 Laura.

21 MEMBER MACKLIN-PURDY: Oh, sorry.

22 CHAIRMAN WALLACE: Item 6, weekly  
23 development report, any questions on that?

24 (No response.)

1 CHAIRMAN WALLACE: Item 7A are the  
2 upcoming Plan Commission meetings. Do we have any  
3 cancelations?

4 MS. JOHNSON: I'm not sure yet.

5 CHAIRMAN WALLACE: Okay. And B is planning  
6 and development committee, and then the second A  
7 is open house for the comprehensive plan update  
8 which we've already discussed.

9 And Item 8 is public comment. We've lost  
10 all of our public.

11 So Item 9 would be adjournment. Is there  
12 a motion to adjourn?

13 VICE CHAIRMAN KESSLER: So moved.

14 MEMBER MACKLIN-PURDY: Second.

15 CHAIRMAN WALLACE: It's been moved and  
16 seconded. All in favor.

17 (Ayes heard.)

18 CHAIRMAN WALLACE: Opposed.

19 (No response.)

20 CHAIRMAN WALLACE: This Plan Commission is  
21 adjourned at 7:48 p.m.

22 (Off the record at 7:48 p.m.)  
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CERTIFICATE OF SHORTHAND REPORTER

I, Paula M. Quetsch, Certified Shorthand Reporter No. 084-003733, CSR, RPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 22nd day of April, 2019.

My commission expires: October 16, 2021



\_\_\_\_\_  
Notary Public in and for the  
State of Illinois